

Chapter 10.54**SOLICITATION FOR BUSINESS TO VEHICLES****Sections:**

- 10.54.010** Legislative purpose.
- 10.54.020** Definitions.
- 10.54.030** Prohibition of solicitation in public right-of-way.
- 10.54.040** Prohibition of solicitation in unauthorized location within private parking areas.
- 10.54.050** Penalty.
- 10.54.060** Severability.

Section 10.54.010 Legislative purpose.

The purpose of this chapter is to reasonably regulate the time, place, manner of the solicitation of employment and/or business from pedestrians and occupants of vehicles on the public right-of-way and in public and private parking areas. Those regulations are content neutral and are not intended and do not restrict the rights of free speech or alternative channels of communication, and are intended to ensure the protection of public health and safety. The Appellate Decision enunciated in *Xiloj-Itzep v. City of Agoura Hills* (1994) 24 Cal. App. 620, supports the language of this chapter on its face and in application, and also holds that the preemption doctrine does not apply, and such enactment is a valid usurpation of the City's police power under the California Constitution. (Ord. 6346 § 1, 1997)

Section 10.54.020 Definitions.

For the purposes of this Chapter, the following meanings shall apply:

A. Solicitation for or employment - shall mean and include the following: the act of soliciting, requesting or announcing by any means, including, without limitations by act or gesture, request, offer, enticement or any other action which announces the availability for or of employment, the sale of goods, or request for a contribution, money or other property, or any request, offer, enticement or action which seeks to purchase or secure goods or employment, or to make a contribution of money or other property; a solicitation as defined herein shall be deemed completed when made, whether or not an actual employment relationship is created.

B. Employment - shall mean the service, industry or labor performed by a person for wages or other compensation or under any contract of hire written or oral, express or implied.

C. Business - shall mean and include any type of product, goods, service, performance or activity which is provided or performed or offered to be provided or performed in exchange for money, labor, goods, or any other form of consideration.

D. Street - shall mean a way or place of whatever nature, publicly maintained and open to the use of the public for purpose of vehicular travel. For the purposes of this chapter, street includes highway and any parking area or lot owned or operated by the City of Riverside or Riverside Redevelopment Agency.

E. Roadway - shall mean that portion of the street which is improved, designed or ordinarily used for vehicular travel.

F. Sidewalk - shall mean that portion of the highway or street other than the roadway, set apart by curbs, barriers, markings or other delineation which is used principally for pedestrian travel.

G. Parkway - shall mean that portion of a street or highway, other than the roadway or

the sidewalk. In general terms the space between the street and the sidewalk.

H. Alley - shall mean any highway or street not exceeding 25 feet in width which is primarily used for access to the rear or side entrance of abutting property.

I. Vehicle - shall mean a vehicle as defined in *California Vehicle Code* §670 as the same now reads or may hereafter be amended.

J. Person - shall mean any individual, company, corporation, association, business or other legal entity.

K. Occupant - shall mean a person who occupies a vehicle.

L. Pedestrian - shall mean any individual who is utilizing a public street, sidewalk, roadway, alleyway or public or private parking area while traveling without the benefit of any vehicle.

M. Private Parking Area - shall mean privately owned property which is designed or used primarily for the parking of vehicles and which adjoins one or more commercial establishments or adjoins any property in a non-residential zone, including but not limited to driveways, setbacks portions of that area that are landscaped. (Ord. 6346 § 1, 1997)

Section 10.54.030 Prohibition of solicitation in public right-of-way.

A. It shall be unlawful for any person, while standing in any portion of the public right-of-way, including, a street, roadway, sidewalk, parkway, alley, highway, and driveway, to solicit or attempt to solicit, employment, business or contributions of money or other property from any person traveling in a vehicle along a public right-of-way including but not limited to a street, roadway, sidewalk, parkway, alley or driveway.

B. It shall be unlawful for any person while the occupant of any vehicle, to solicit, or attempt to solicit, employment, business or contributions of money or other property from a person who is within the public right-of-way, including any street, roadway, sidewalk, parkway, alley or driveway. (Ord. 6346 § 1, 1997)

Section 10.54.040 Prohibition of solicitation in unauthorized location within private parking areas.

A. No person shall solicit or attempt to solicit employment, business or contributions of money or other property from a location within a private parking area as defined herein. This section shall not apply to a solicitation to perform employment or business for the owner or lawful tenants of the subject premises.

B. This section shall only apply to private parking areas when the following occurs:

1. The owner or person in lawful possession of the private parking area establishes a written policy which provides area(s) for the lawful solicitation of employment and/or business, in locations which are accessible to the public and do not interfere with normal business operations of the commercial premises. Nothing herein shall require a private property owner to permit solicitations at their premises.

2. The owner or person in lawful possession of the private parking area has caused a notice to be posted in a conspicuous place at each entrance to such private parking area not less than 10 x 24 inches in size with lettering not less than 1 inch in height, but not to exceed in total area 6 square feet. Said notice shall be in substantially the following form: "It is a misdemeanor to engage in the solicitation of employment, and/or business in areas of this private parking lot which are not approved for such activity by the property owner, in violation of Riverside Municipal Code Section 10.54.040." (Ord. 6346 § 1, 1997)

Section 10.54.050 Penalty.

Any person or occupant of a vehicle violating the provisions of this chapter shall be guilty

of a misdemeanor, punishable as set forth in Riverside Municipal Code Section 1.01.110 thereof. Any such person or occupant shall be deemed guilty of a separate offense for each and every set of solicitations which is a violation of this chapter. (Ord. 6346 § 1, 1997)

Section 10.54.060 Severability.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall affect the validity of the remaining portions of this ordinance. The City Council of the City of Riverside hereby declares it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions may be declared invalid or unconstitutional. (Ord. 6346 § 1, 1997)